

RURAL WATER DISTRICT NO. 8, CHEROKEE COUNTY, KANSAS

Post Office Box 222
Riverton, Kansas 66770
Tract No. 109M

RIGHT-OF-ENTRY FOR CONSTRUCTION

The undersigned, hereinafter called the "Owner," in consideration of the benefit provided by the installation and construction of a water line by the Rural Water District No. 8, Cherokee County, Kansas, hereinafter called the "Water District," the sufficiency of which is hereby acknowledged, does grant to the Water District, the Environmental Protection Agency, and the United States Army Corps of Engineers, their agents, contractors, successors and assigns, hereinafter called the "Parties of the Second Part, a right-of-entry upon the following terms and conditions:

1. The Owner hereby grants the Parties of the Second Part, their agents, contractors, successors and assigns, an irrevocable right to enter upon the lands hereinafter described at any time within a period of twenty four (24) months from date of this instrument in order to carry out such work or construction as may be necessary for the installation of a water line and all appurtenances thereto.

2. This permit includes the right of ingress and egress on other lands of the Owner not described below, provided that such ingress and egress is necessary and not otherwise conveniently available to the Parties of the Second Part.

3. All tools and equipment, buildings, improvements and other property taken upon or placed upon the land by the Parties of the Second Part shall remain their property and may be removed by them at any time within a reasonable period after the expiration of this right-of entry.

4. The Parties of the Second Part shall have the right to patrol and police the lands hereinafter described for the period of this Right-of Entry.

5. The Parties of the Second Part agree to be responsible for damages arising from their activity, their employees and/or contractors on said lands, in the exercise of rights under this Right-of-Entry. The Parties of the Second Part shall:

a. grade and backfill the water line trench,

b. reseed that portion of any lawns disturbed by the installation of the water line,

c. repair any man-made structures damaged by the installation of the water line.



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d. permanently disconnect the existing water line serving the house/outbuildings from the well and connect this line to the rural water line.

Except for damages to lawns, the Parties of the Second Part shall not be responsible for repairing or replacing any plants, trees, crops or other vegetation damaged or destroyed by them, their employees and/or contractors.

The land affected by this Right-Of-Entry is located in Cherokee County, Kansas and is adjacent to the property described as follows:

A tract of land 10 feet by 10 feet abutting the existing road right-of-way, lying in the E½E½SE½SE½SE½ of Section 35, Township 33 South, Range 25 East of the Sixth Principal Meridian, Cherokee County, Kansas, containing 0.01 of an acre,, more or less.

WITNESS MY HAND AND SEAL this 29th day of October, 1989.

Darrell W. Boyes
Darrel Wayne Boyes

Darlene Boyes
Darlene Boyes,
